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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

Case No. 3:23-md-03084-CRB

**DEFENDANTS UBER TECHNOLOGIES,  
INC., RASIER, LLC, AND RASIER-CA,  
LLC'S MOTION TO CONVERT ORDER OF  
DISMISSAL WITHOUT PREJUDICE TO  
ORDER OF DISMISSAL WITH PREJUDICE**

This Document Relates to:

Date: February 20, 2026  
Time: 10:00 a.m.  
Courtroom: 6 – 17th Floor

DEFENDANTS' MOTION TO CONVERT ORDER OF DISMISSAL  
WITHOUT PREJUDICE TO ORDER OF DISMISSAL WITH PREJUDICE

CASE NO. 3:23-MD-3084-CRB

1 *Jane Doe LN v. Uber Technologies, Inc.,*  
2 *et al.*, No. 3:24-cv-00120-CRB

3 *Jane Doe TW v. Uber Technologies, Inc.,*  
4 *et al.*, No. 3:24-cv-00559-CRB

5 *Jane Doe BW v. Uber Technologies, Inc.,*  
6 *et al.*, No. 3:24-cv-04308-CRB

7 *Jane Doe ST v. Uber Technologies, Inc.,*  
8 *et al.*, No. 3:24-cv-04309-CRB

9 *Jane Doe AR v. Uber Technologies, Inc.,*  
10 *et al.*, No. 3:24-cv-04313-CRB

11 *Jane Doe VB v. Uber Technologies, Inc.,*  
12 *et al.*, No. 3:24-cv-04317-CRB

13 *Jane Doe KH v. Uber Technologies, Inc.,*  
14 *et al.*, No. 3:24-cv-04326-CRB

15 *Jane Doe SF v. Uber Technologies, Inc.,*  
16 *et al.*, No. 3:24-cv-04327-CRB

17 *Jane Doe SG v. Uber Technologies, Inc.,*  
18 *et al.*, No. 3:24-cv-04353-CRB

19 *Jane Doe TW v. Uber Technologies, Inc.,*  
20 *et al.*, No. 3:24-cv-04356-CRB

21 *Jane Doe SW v. Uber Technologies, Inc.,*  
22 *et al.*, No. 3:24-cv-04364-CRB

23 *Jane Doe JG v. Uber Technologies, Inc.,*  
24 *et al.*, No. 3:24-cv-04368-CRB

25 *Jane Doe PC v. Uber Technologies, Inc.,*  
26 *et al.*, No. 3:24-cv-04374-CRB

27 *WHB 1478 v. Uber Technologies, Inc., et*  
28 *al.*, No. 3:24-cv-04833-CRB

*WHB 1123 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-04850-CRB

*WHB 1144 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-04859-CRB

*WHB 196 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-04886-CRB

*WHB 526 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-04901-CRB

1 *WHB 950 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-04931-CRB

2 *WHB 1936 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-04950-CRB

3  
4 *WHB 175 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-04982-CRB

5 *WHB 1916 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-05003-CRB

6  
7 *WHB 1845 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-05015-CRB

8 *Jane Doe (C.A.) v. Uber Technologies,*  
*Inc., et al.*, No. 3:24-cv-05072-CRB

9  
10 *Jane Doe RD v. Uber Technologies, Inc.,*  
*et al.*, No. 3:24-cv-05074-CRB

11 *Jane Doe JH v. Uber Technologies, Inc.,*  
*et al.*, No. 3:24-cv-05079-CRB

12  
13 *WHB 979 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-05082-CRB

14 *WHB 649 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-05095-CRB

15  
16 *Jane Doe EB v. Uber Technologies, Inc.,*  
*et al.*, No. 3:24-cv-05110-CRB

17 *Jane Doe AE v. Uber Technologies, Inc.,*  
*et al.*, No. 3:24-cv-05121-CRB

18  
19 *WHB 1425 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-05129-CRB

20 *WHB 427 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-05132-CRB

21  
22 *John Doe DG v. Uber Technologies,*  
*Inc., et al.*, No. 3:24-cv-05169-CRB

23 *Jane Doe KH v. Uber Technologies, Inc.,*  
*et al.*, No. 3:24-cv-05174-CRB

24  
25 *WHB 1382 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-05232-CRB

26 *WHB 1962 v. Uber Technologies, Inc., et*  
*al.*, No. 3:24-cv-05240-CRB

1 *WHB 1549 v. Uber Technologies, Inc., et*  
2 *al., No. 3:24-cv-05275-CRB*

3 *WHB 1048 v. Uber Technologies, Inc., et*  
4 *al., No. 3:24-cv-05462-CRB*

5 *WHB 1443 v. Uber Technologies, Inc., et*  
6 *al., No. 3:24-cv-05472-CRB*

7 *WHB 1596 v. Uber Technologies, Inc., et*  
8 *al., No. 3:24-cv-05473-CRB*

9 *WHB 1673 v. Uber Technologies, Inc., et*  
10 *al., No. 3:24-cv-05552-CRB*

11 *WHB 519 v. Uber Technologies, Inc., et*  
12 *al., No. 3:24-cv-05627-CRB*

13 *WHB 393 v. Uber Technologies, Inc., et*  
14 *al., No. 3:24-cv-05633-CRB*

15 *WHB 1416 v. Uber Technologies, Inc., et*  
16 *al., No. 3:24-cv-05667-CRB*

17 *Jane Doe SK v. Uber Technologies, Inc.,*  
18 *et al., No. 3:24-cv-05710-CRB*

19 *Jane Doe AM v. Uber Technologies, Inc.,*  
20 *et al., No. 3:24-cv-05765-CRB*

21 *Jane Doe CS v. Uber Technologies, Inc.,*  
22 *et al., No. 3:24-cv-05964-CRB*

23 *Jane Doe GT v. Uber Technologies, Inc.,*  
24 *et al., No. 3:24-cv-06051-CRB*

25 *John Doe EW v. Uber Technologies,*  
26 *Inc., et al., No. 3:24-cv-06073-CRB*

27 *Jane Doe JD v. Uber Technologies, Inc.,*  
28 *et al., No. 3:24-cv-06074-CRB*

*Jane Doe NLG JV v. Uber Technologies,*  
*Inc., et al., No. 3:24-cv-08622-CRB*

*Jane Doe NLG KC v. Uber*  
*Technologies, Inc., et al., No. 3:25-cv-*  
*00072-CRB*

*Jane Doe NLG TT v. Uber Technologies,*  
*Inc., et al., No. 3:25-cv-00075-CRB*

1 *Jane Doe NLG PO v. Uber*  
2 *Technologies, Inc., et al.*, No. 3:25-cv-  
00358-CRB

3 *Jane Doe NLG LB v. Uber Technologies,*  
4 *Inc., et al.*, No. 3:25-cv-00365-CRB

5 *Jane Doe NLG BH v. Uber*  
6 *Technologies, Inc., et al.*, No. 3:25-cv-  
00369-CRB

7 *Jane Doe NLG BE v. Uber Technologies,*  
8 *Inc., et al.*, No. 3:25-cv-00401-CRB

9 *Jane Doe NLG KK v. Uber*  
10 *Technologies, Inc., et al.*, No. 3:25-cv-  
00673-CRB

11 *Jane Doe NLG JN v. Uber Technologies,*  
12 *Inc., et al.*, No. 3:25-cv-00715-CRB

13 *WHB 2045 v. Uber Technologies, Inc., et*  
14 *al.*, No. 3:25-cv-01211-CRB

15 *WHB 2052 v. Uber Technologies, Inc., et*  
16 *al.*, No. 3:25-cv-01229-CRB

17 *Jane Doe NLG KL v. Uber Technologies,*  
18 *Inc., et al.*, No. 3:25-cv-01265-CRB

19 *Jane Doe NLG AH v. Uber*  
20 *Technologies, Inc., et al.*, No. 3:25-cv-  
01266-CRB

21 *Jane Doe NLG- ZD v. Uber*  
22 *Technologies, Inc., et al.*, No. 3:25-cv-  
01729-CRB

23 *Jane Doe NLG- WB v. Uber*  
24 *Technologies, Inc., et al.*, No. 3:25-cv-  
01799-CRB

25 *Jane Doe NLG- JN v. Uber*  
26 *Technologies, Inc., et al.*, No. 3:25-cv-  
01818-CRB

27 *Jane Doe 691046 v. Uber Technologies,*  
28 *Inc., et al.*, No. 3:25-cv-02274-CRB

*Jane Doe NLG-KM v. Uber*  
*Technologies, Inc., et al.*, No. 3:25-cv-  
02706-CRB

1 *Jane Doe NLG-RR v. Uber*  
2 *Technologies, Inc., et al.*, No. 3:25-cv-  
02788-CRB

3 *Jane Doe NLG-AH v. Uber*  
4 *Technologies, Inc., et al.*, No. 3:25-cv-  
02797-CRB

5 *Jane Doe NLG-AV v. Uber*  
6 *Technologies, Inc., et al.*, No. 3:25-cv-  
02855-CRB

7 *Jane Doe NLG-KM v. Uber*  
8 *Technologies, Inc., et al.*, No. 3:25-cv-  
02856-CRB

9 *Jane Doe NLG-BC v. Uber*  
10 *Technologies, Inc., et al.*, No. 3:25-cv-  
02899-CRB

11 *Jane Doe NLG-KM v. Uber*  
12 *Technologies, Inc., et al.*, No. 3:25-cv-  
02956-CRB

13 *Jane Doe NLG-MH v. Uber*  
14 *Technologies, Inc., et al.*, No. 3:25-cv-  
05163-CRB

**DEFENDANTS' NOTICE OF MOTION TO CONVERT ORDER OF DISMISSAL**  
**WITHOUT PREJUDICE TO ORDER OF DISMISSAL WITH PREJUDICE**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on February 20, 2026 at 10:00 a.m., or as soon thereafter as counsel may be heard, before the Honorable Charles R. Breyer, in Courtroom No. 6, on the 17th Floor of the San Francisco Courthouse for the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco, CA 94102, Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC (collectively, "Uber") will, and hereby do, move for the Court to convert its Order of Dismissal Without Prejudice (ECF 4442) to an order of dismissal with prejudice for the above-listed Plaintiffs.

This Motion is made pursuant to Amended Pretrial Order No. 10 (ECF 4287) and Rules 16(f)(1)(C), 37(b)(2)(A)(v), and 41(b) of the Federal Rules of Civil Procedure. This Motion is based on this Notice; the concurrently filed Declaration of Michael B. Shortnacy; the concurrently filed Proposed Order; all evidence, pleadings, and papers filed herewith; the entire file in this coordinated action; any Reply that may be filed in support of this Motion; and any other arguments or evidence that may be presented to the Court in support of this Motion.

Dated: January 15, 2026

SHOOK, HARDY & BACON L.L.P.

By: /s/ Michael B. Shortnacy

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**STATEMENT OF RELIEF SOUGHT**

Pursuant to the Court’s November 3, 2025 Amended PTO 10, Uber seeks for the Court to convert its Order of Dismissal Without Prejudice (ECF 4442) to an order of dismissal with prejudice for the above-referenced Plaintiffs for failure to comply with this Court’s order to submit verifications for their most recent amended Plaintiff Fact Sheet (“PFS”).

**BACKGROUND**

On November 19, 2025 this Court entered an Order (ECF 4442) dismissing without prejudice the claims of certain plaintiffs who had failed to comply with Amended PTO 10 (ECF 4287) by providing verifications for their amended PFS, as required. That Order further required Plaintiffs’ counsel to file notices of dismissal of the identified cases within 14 days. ECF 4442. Upon entry of the Court’s Order, Plaintiffs had 30 days to either (1) submit the verifications required under Amended PTO 10, or (2) move to vacate their dismissal without prejudice. Amend. PTO 10 ¶9(c). If Plaintiffs failed to do either, the Court stated in its Order (ECF 4287) that it would convert their dismissals without prejudice to dismissals with prejudice upon a motion by Uber. *Id.*

Exhibit A to the accompanying declaration of Michael B. Shortnacy identifies the Plaintiffs subject to the Court’s November 19, 2025 Order who failed to either (1) submit the required verifications, or (2) move to vacate the dismissal without prejudice. *See* Declaration of Michael B. Shortnacy (“Shortnacy Decl.”), dated January 15, 2026 (Ex. B). Of the Plaintiffs identified in Exhibit A, five were dismissed without prejudice prior to the Court’s November 19, 2025 Order. *Id.*<sup>1</sup> Three other Plaintiffs failed to file a notice of dismissal as required by that same order. *Id.*<sup>2</sup> Accordingly, all Plaintiffs identified in Exhibit A are subject to conversion of their Order of dismissal without prejudice to dismissal with prejudice pursuant to Amended PTO 10.

<sup>1</sup> *WHB 304*, No. 3:24-cv-04801-CRB; *WHB 1860*, No. 3:24-cv-05568-CRB; *WHB 678*, No. 3:24-cv-05961-CRB; *WHB 1317*, No. 3:24-cv-05791-CRB; and *WHB 2055*, No. 3:25-cv-01245-CRB.

<sup>2</sup> *Jane Doe NLG-JN*, No. 3:25-cv-01818-CRB; *Jane Doe NLG-KM*, No. 3:25-cv-02856-CRB; and *Jane Doe NLG-KM*, No. 3:25-cv-02956-CRB.

**ARGUMENT**

Federal Rule of Civil Procedure 41(b) empowers a court to dismiss a plaintiff’s case for failure to comply with a court order. Federal Rule of Civil Procedure 37(b)(2) likewise provides a court with the authority to dismiss an action for failure “to obey an order to provide or permit discovery.” Fed. R. Civ. P. 37(b)(2)(A)(v); *see also* Fed. R. Civ. P. 16(f)(1)(C) (“On motion or on its own, the court may issue any just orders, including those authorized by Rule 37(b)(2)(A)(ii)-(vii), if a party or its attorney . . . fails to obey a scheduling or other pretrial order.”). Pursuant to both Rule 41(b) and Rule 37(b)(2), dismissal with prejudice of Plaintiffs’ claims is justified here.

The Court should dismiss these Plaintiffs with prejudice pursuant to its power to manage its dockets “without being subject to endless non-compliance with case management orders,” which is amplified in the MDL context. *See In re Phenylproanolamine (PPA) Prods. Liab. Litig.*, 406 F.3d 1217, 1227 (9th Cir. 2006). As the Ninth Circuit observed, “an MDL court’s decision to invoke dismissal as a sanction for failure to comply with its orders, the court’s discretion is necessarily informed, and broadened, by the number of actions, their complexity, and its charge in the multidistrict context to promote the just and efficient conduct of actions that are coordinated or consolidated for pretrial purposes.” *Id.* at 1252. Thus, dismissal with prejudice for failure to submit the information for substantial completion of a PFS—including a verification—as required by an MDL court order is common practice. *See, e.g., In re Testosterone Replacement Therapy Prods. Liab. Litig.*, MDL 2545, CMO No. 118, ECF 2612 (N.D. Ill. May 11, 2018) (“The failure of these plaintiffs to comply with the PPF [Plaintiff Profile Form] requirements of CMO 85 amounts to an unjustified failure to produce discovery following entry of a court order. The failure to produce discovery is prejudicial to the defendants in these cases because it hinders the investigation and preparation of a defense in these cases. For those reasons, the Court finds it appropriate to dismiss with prejudice all such cases.”); *In re General Motors LLC Ignition Switch Litig.*, 14-MD-2543, Order No. 56, ECF 985 (S.D.N.Y. May 27, 2015) (“[T]he Court find that dismissal with prejudice is the appropriate sanction for the individuals Plaintiffs’ continued failure to submit PFSs as required by Order No. 25 . . . [T]imely submission of PFSs is essential to the orderly and expeditious management of this MDL, and crucial

in ensuring that [Defendant] has adequate notice of the claims against it.”); *In re PPA Prods. Liab. Litig.*, 01-MD-1407, Order Granting Motion to Dismiss with Prejudice, ECF 1935 (W.D. Wa. Aug. 15, 2003) (“[T]he unreasonable delay in completing the fact sheets and affirmations prejudices the Defendants’ ability to proceed with the cases effectively. The PFS and affirmations are designed to give each defendant the specific information necessary to defend the case against it . . . . The unreasonable delay in producing this information, therefore, severely prejudices the Defendants, warranting dismissal.”); *In re Taxotere (Docetaxel) Prods. Liab. Litig. (In re Taxotere)*, 966 F.3d 351, 354 (5th Cir. 2020) (affirming dismissal with prejudice for late and incomplete PFS); *In re Guidant*, 496 F.3d at 865–66 (same); *In re Mirena IUD Prods. Liab. Litig.*, No. 13-MD-2434, 2015 WL 10433457, at \*2 (S.D.N.Y. Mar. 5, 2015) (dismissing with prejudice for PFS deficiencies); *In re Zicam Cold Remedy Mktg., Sales Pracs., & Prods. Liab. Litig.*, No. 09-md-2096, 2011 WL 3438862, at \*2 & n.1 (D. Ariz. Aug. 5, 2011) (same); *In re Rezulin Prods. Liab. Litig. (MDL No. 1348)*, 223 F.R.D. 109, 113, 120 (S.D.N.Y. 2004) (same), *vacated in part*, 2004 WL 1700618, at \*1 (S.D.N.Y. July 27, 2004) (denying reconsideration as to plaintiffs whose cases were dismissed for failure to provide proof of timely and complete discovery).

### **CONCLUSION**

Accordingly, pursuant to Amended PTO 10 (ECF 4287) and the Court’s November 19, 2025 Order (ECF 4442), Uber respectfully requests the Court enter an order converting its Order of dismissal of the identified Plaintiffs’ claims to an Order of dismissal with prejudice.

Dated: January 15, 2026

SHOOK, HARDY & BACON L.L.P.

By: /s/ Michael B. Shortnacy

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